

LAW OFFICE OF
NATHANIEL B. SMITH
ATTORNEY AT LAW
111 BROADWAY
NEW YORK, NEW YORK 10006

NATHANIEL B. SMITH

TEL: (212) 227-7062
FAX: (212) 346-4665

March 30, 2015

Honorable Robert W. Sweet
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

*Schoolcraft v. The City of New York, et al.,
10-cv-6005 (RWS)*

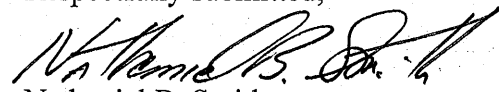
Dear Judge Sweet:

As one of plaintiff's counsel, I write to respond to the letter by Mauriello's counsel, Mr. Kretz, dated March 26, 2015. In his letter, Mauriello requests just weeks before trial that the plaintiff provide discovery on an accelerated basis to satisfy Mauriello's baseless "suspicions" that plaintiff or his counsel have been involved a video film project by graduate students in Atlanta, Georgia.

When Mr. Kretz first raised his client's suspicions with me, I told him that I did not have any knowledge about the matter whatsoever and that I would be willing to make inquiry with the plaintiff and the various attorneys working on the case. After making those inquiries, I confirmed what I firmly believe at the outset – that we had no involvement in this student project—and informed Mr. Kretz of that fact in an email, dated March 23, 2015. A copy is attached.

Having spent the time confirming our lack of involvement in this matter, Mauriello now wants the plaintiff and his counsel to spend more time providing formal responses to his "suspicions." I write to object because the trial in this case is literally just around the corner, we need to devote our time to productive matters, and we do not see any basis for opening up discovery merely to provide a formal response to Mauriello's basis suspicions. While it is no doubt correct that a formal denial would serve as only a limited, further distraction, very few matters in this case are ever a simply matter, and one apparently "minor" issue seems to endlessly multiply. Indeed this issue is a case in point: I have already spent over an hour on this matter, speaking to Mr. Kretz, asking the various individuals about the matter, reviewing his correspondence and discovery demands, and writing this letter. For these reasons, we ask the Court to deny the request.

Respectfully submitted,


Nathaniel B. Smith

By Fax (212-805-7925)
All Counsel
(by email)

Subject: Re: Schoolcraft, the movie
Date: Monday, March 23, 2015 5:50:43 PM Eastern Daylight Time
From: Nat Smith
To: Walter Kretz
BCC: natbsmith@gmail.com

Walter, I have looked into this issue with the client and the other lawyers working on the case. None of us have had anything to do with the production or promotion of this "movie." I do not know of any basis for you to be serving demands for discovery since the discovery period is long over and we are all preparing for trial. That being said, please note that no demands were attached to your email. Nat

From: Walter Kretz <wakretz@seiffkretz.com>
Date: Mon, 23 Mar 2015 17:35:16 -0400
To: Nat Smith <natbsmith@gmail.com>
Subject: Schoolcraft, the movie

Hi Nat - As I told you on Friday, we discovered on Friday that there is a short film in production, soon to be released and apparently to be called "Schoolcraft." Please let me know as soon as possible whether you are willing to provide responses by Adrian Schoolcraft (as opposed to objections) to the attached interrogatories and requests to produce relating to the production of the film. Thanks - Walter

Walter A. Kretz, Jr.

Scoppetta Seiff Kretz & Abercrombie
444 Madison Avenue, 30th Floor
New York, NY 10022
212-371-4500
212-371-6883 (fax)
WAKretz@seiffkretz.com

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